

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CARMEN FLORES, individually and on behalf (of all others similarly situated, ((Plaintiff, (Case No. 07 C 6403 (v. (Judge Hibbler (DIAMOND BANK, FSB, (Magistrate Judge Valdez (Defendant. (

DECLARATION OF BRETT SAND

I, Brett Sand, first being sworn on oath, deposes and says that if sworn as a witness I could competently testify to the matters set forth herein from my own personal knowledge:

1. I am an employee of the Defendant Diamond Bank, FSB ("Bank") and serve as Commercial Credit Analyst.

2. I began my employment with the Bank on April 3, 2006.

3. From April 3, 2006 to January 2008, I served as the Special Projects Coordinator for the Bank.

4. The ATM located at Diamond Bank's Branch at 100 West North Ave., Chicago, Illinois contains an on the screen electronic notice that a fee will be charged for non-Diamond Bank customers using the ATM ("fee notice").

5 The on the screen fee notice specifically states:

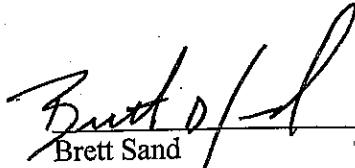
DIAMOND BANK, FSB WILL CHARGE U.S. CARDHOLDERS A \$2.00 FEE
FOR THIS TRANSACTION
THIS FEE IS IN ADDITION TO ANY FEES WHICH MAY BE CHARGED BY
YOUR FINANCIAL INSTITUTION

DO YOU WISH TO CONTINUE?

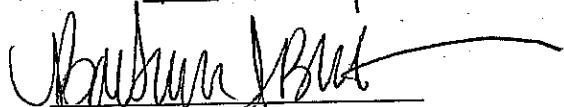
YES (FEE WILL BE ASSESSED)

NO (CANCEL FEE WILL NOT BE ASSESSED)

Further, Affiant sayeth not.


Brett Sand

Subscribed and Sworn to before
me this 15 day of September, 2008.



Notary Public

